

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

DONTE A. DAVIS,

Plaintiff,

v.

4:11-cv-11

STEVE GRAVES, et al.,

Defendants.

**MEMORANDUM**

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. The defendants move to dismiss for failure to prosecute for the reason that plaintiff has changed addresses and failed to notify the court or the defendants of his new address. Plaintiff has not responded to the motion to dismiss and the time within which to do so has expired.

In the court's initial order, plaintiff was ordered to inform the court immediately of any address changes. Plaintiff was also advised that failure to provide a correct address within ten days following any change of address would result in the dismissal of this action.

In support of their motion to dismiss, the defendants have filed the affidavit of defense counsel W. Carl Spining. [Court File No. 11, Memorandum of Law in Support of Motion to Dismiss, Attachment 1, Affidavit of W. Carl Spining]. Mr Spining testifies that documents were sent to plaintiff at his last known address, which was the Coffee County Jail,

on March 10, 2011, and returned undelivered with the notation "unable to forward." Upon investigation, Mr. Spining's firm learned that plaintiff had been released from the Coffee County Jail and did not leave a forwarding address.

Plaintiff has not informed the court of his new mailing address. Accordingly, the defendants' motion to dismiss [Court File No. 10] will be **GRANTED**. This action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of this court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). All other pending motions will be **DENIED** as **MOOT**. The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE